IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

OP.No. 26906 of 2002(C)

PETITIONER:
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1. BALAKRISHNAN, KURUVATHU HOUSE,
VETTUKAD P.O., THRISSUR DISTRICT,
NOW RESIDING AT SANTHA NIVAS, EDAPPALLY P.O.,
ERNAKULAM DISTRICT.

2. P.K.SAJI, PULIKKATHARA HOUSE,
ELAMAKKARA P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.A.P.SUBHASH

RESPONDENTS:
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1. SECRETARY TO GOVERNMENT,
LABOUR AND REHABILITATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. JOINT SECRETARY TO GOVERNMENT,
LABOUR AND REHABILITATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER
SRI.P.RAMAKRISHNAN.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON 10/12/2007 DELIVERED THE FOLLOWING:

O.P.NO. 26906/2002

ORDER ON CMP NO. 45806/2002 IN O.P.NO. 26906/2002 &

ORDER ON CMP NO. 7094/2003 IN O.P.NO. 26906/2002

DISMISSED.

10/12/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE APPEAL NO.805/S2/2002/LBR SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.

P2 : COPY OF THE ORDER NO.G.O.(RT) NO.1624/2002/LBR, THIRUVANANTHAPURAM DATED 13/06/2002 ISSUED BY 2ND RESPONDENT.

P3 : COPY OF THE AFFIDAVIT BY THE ONE OF THE EMPLOYEES OF THE PETITIONERS BEFORE THE EXECUTIVE OFFICER, MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, ERNAKULAM.

P3(a) : COPY OF THE AFFIDAVIT BY THE ONE OF THE EMPLOYEES OF THE PETITIONERS BEFORE THE EXECUTIVE OFFICER, MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, ERNAKULAM.

P3(b) :COPY OF THE AFFIDAVIT BY THE ONE OF THE EMPLOYEES OF THE PETITIONERS BEFORE THE EXECUTIVE OFFICER, MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, ERNAKULAM.

P3(c) :COPY OF THE AFFIDAVIT BY THE ONE OF THE EMPLOYEES OF THE PETITIONERS BEFORE THE EXECUTIVE OFFICER, MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, ERNAKULAM.

P4 : COPY OF THE FINAL DETERMINATION ORDER NO.EE 972/2000 ISSUED BY EXECUTIVE OFFICER, MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, ERNAKULAM.

P5 : COPY OF THE OBJECTION FILED BY 1ST PETITIONER BEFORE THE EXECUTIVE OFFICER, MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, ERNAKULAM DATED 25/01/2001.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 26906 of 2002

Dated, this the 10th day of December, 2007

J U D G M E N T

Heard learned counsel for petitioners and learned Government Pleader.

2. Petitioners are challenging Ext.P2 order, which is an order in appeal, issued by the Government against final determination order determining the dues of welfare fund contributions for the workers employed in the stage carriage owned and operated by petitioners. It is seen that demand is for four workers and assessment itself is made based on complaint by the driver of the bus. The contention raised by the petitioners is that workers had given affidavits requesting for excluding them from the benefit of welfare fund. Since legislation is for the benefit of workers, which is essentially a matter of public policy of the Government, workers have no right to deny the benefit conferred on them under the statute. Even though petitioners contended that demand raised is not for the real workers, in spite of several opportunities petitioners did not give names and addresses of the so called real workers. In the circumstances, there is no ground to interfere with Ext.P2 order. This original petition is, accordingly, dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg